

Application No.: 09/909,330
Amendment dated: September 19, 2005
Reply to Office Action of May 27, 2005
Attorney Docket No.:1035us

b.) Remarks

Claims 1-16, 18-20, 29, and 30 are pending and under examination in the application. New claim 30 has been added.

Claims 1-2, 7, 9-10 and 29 were rejected under 35 U.S.C. 102(a) as being anticipated by Sesko *et al.* (US 6,205,159). This rejection is respectfully traversed for the following reasons.

The Sesko, *et al.* patent is directed to a temperature controlled system. Specifically, in a number of parts of this patent application, it is made clear that the system temperature is controlled.

For example, at column 7, beginning at line 57, it states that the laser diode is tuned by changing its temperature.

Later, at column 13, first full paragraph, the Sesko patent describes that:

The entire cavity is temperature controlled in order to have a repeatable system. The limiting component in this system will be the solid etalon since it is not voltage controlled. It is estimated that a 250 micron fused silica etalon will tune approximately -0.01 nm/degree Kelvin. The present invention has a temperature control servo which maintains a temperature stability of 0.1 K over the bulk cavity and 10 mK for the diode laser.

In contradistinction, the present claimed invention is directed to a semiconductor laser "wherein a temperature of the system is allowed to fluctuate with ambient temperature while the modulation system modulates the optical length of the laser cavity." In a similar vein, new claim 30 sets forth that "a temperature of the system including the semiconductor gain medium is allowed to fluctuate with ambient temperature.

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Thus, there is no anticipation since the present claimed invention requires features not shown or suggested by the Sesko patent.

For similar reasons, applicants believe that the other rejections are similarly avoided. Specifically, claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sesko *et al.* (US 6,205,159) in view of Takara, *et al.*; claims 8, 11-13, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sesko *et al.* (US 6,205,159) in view of Ohshima *et al.* (US 4,998,256); Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sesko *et al.* (US 6,205,159) in view of Ohshima *et al.* (US 4,998,256) and further in view of Blauvelt *et al.* (US 5,127,072); and claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sesko *et al.* (US 6,205,159) in view of Goossen (US 6,424,450). These rejections are respectfully traversed in view of the fact that neither the primary nor the secondary references shows or suggests the features of the present claimed invention.

Finally, claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bylsma (US 6,441,940) in view of Ohshima *et al.* (US 4,998,256) and further in view of Gordon *et al.* (US 4,818,053).

Clarification with respect to this rejection is respectfully requested. The remarks of the rejection suggest that the Sesko patent was intended to be included in this rejection. The statement of the rejection, however, does not list this patent. In short, is claim 15 rejected in view of the Sesko patent, in addition to other references or not? In any event, the secondary applied references, the Bylsma, Ohshima, and Gordon patents, fail to show or suggest the present claimed invention.

Finally, applicants note with appreciation the fact that claims 3 through 5 were indicated as containing allowable subject matter.

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Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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Date: September 19, 2005